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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,733	08/03/2001	Michael Thomas Aarons	ALAMM.002A	8757

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EXAMINER

NGUYEN, MINH DIEU T

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,733

Applicant(s)

AARONS, MICHAEL THOMAS.

Examiner

Minh Dieu Nguyen

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the communication dated April 28, 2006 with the cancellation of claims 1-20 and the addition of claims 21-22.
2. Claims 21-22 are pending.

Response to Arguments

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claims 21 and 22 are objected to because of the following informalities:
 - a) As to claim 21, "requester" on page 6, line 5 and "said requestor" on page 6, lines 6-7 should be stated consistently, "identify" on page 7, line 1 should be "identity".
 - b) As to claim 22, "each said signatures" appears having typo or grammatical error, the step of "combine said signatures with user data" is repeated twice on page 7, lines 10 and 12.Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) Claim 21 recites the limitations "said multiple signatures", "said CA", "said online process" (page 6, line 8). There is insufficient antecedent basis for these limitations in the claim.

b) Claim 21 recites "encrypt ...with multiple passphrases" (page 6, line 10) is not clear because of the step above only indicates "request a pass phrase".

c) Claim 21 recites "record data" (page 6, line 11) is vague and not clear, what data is being recorded?

d) Claim 21 recites "return to "request pass phrase from user step" above" (page 6, line 19) is not clear, there are two steps of "request pass phrase from user" (page 6, line 9 and line 17), which one it is intended to return to?

e) Claim 21 recites "wrap ...document with said received signature" is not clear, the signature received as result of the step on page 6, line 8 or the signature of the step on page 6, line 20?

f) Claim 22 recites "encrypt each said signatures..." (page 7, line 11) and "encrypt each said signature and user data" (page 7, line 13) are not clear. Is signature encrypted twice?

g) Claim 22 recites "record said user data" (page 7, line 14) is not clear. The result of the steps above on page 7, line 10-13 is the encryption of the combination of

signature and user data, what is the use of encrypting signature and user data if only recording user data in this step?

h) Claim 22 recites "decrypt said data" (page 7, line 22). What data?

7. Claims 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: what is the function of "attach a public key to said prepared document" (page 6, line 22 and page 8, line 4)?

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 21, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Burnett (6,597,653) in view of the admitted prior art and further in view of Yarsa et al. (7,000,108).

Burnett discloses a secure identification process for networked environments comprising capture a photograph of a requester, capture a thumbprint of said requestor, capture a cursive signature of said requestor (col. 2, lines 1-17; col. 4, lines 52-55; lines

65-67), request a pass phrase from a user (col. 7, lines 10-15), record data on a media multiple times (col. 6, lines 43-44), provide user with said media and request said user to insert said media in a compact disc (CD) and digital versatile disc (DVD) drive (col. 2, lines 1-9).

Burnett does not explicitly disclose request said multiple signatures from said CA via said on line process.

As admitted in the prior art (Fig. 7), signature is requested from CA. It is inherently understood that multiple signatures can be provided by the CA for the security reason in the case if one is compromised, also by the prior art, a document is prepared for signing, wrap said prepared document with said received signature and send said prepared document to said processor (Fig. 7).

Burnett discloses encrypting the information stored on the optical disk (col. 6, lines 12), however he does not explicitly disclose encrypting the information with pass phrase as a key and he does not disclose verifying identity of a processor.

Yarsa et al. is relied on for the teaching of encrypting data (i.e. photograph, thumbprint, cursive signature, signatures from CA) with pass phrase as a key (col. 2, lines 35-38), request the pass phrase from the user, use said pass phrase to decrypt the recorded data, if decryption is valid, access the recorded data for signature (col. 13, lines 27-32).

It would be obvious to one of ordinary skill in the art at the time of the invention to employ the use of encrypting data with user's pass phrase as a key in the system of Burnett and the admitted prior art as Yarsa teaches so as to securely protect the key as

well as the data since only the user knows his pass phrase. It is also commonly known in the data communications art that before sending information over the communication channels, the receiver needs to be verified to make sure the receiver is who the receiver claims to be to ensure the information get transmitted to the right entity.

10. Claim 22, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Burnett (6,597,653) in view of the admitted prior art, in view of Yarsa et al. (7,000,108) and further in view of Davies (4,799,258).

Burnett discloses a secure identification process for networked environments comprising capture data from a requester (col. 2, lines 1-17; col. 4, lines 52-55; lines 65-67), request a pass phrase from a user (col. 7, lines 10-15), record data on a media multiple times (col. 6, lines 43-44), print a label for front of media (Figs 1-2, non-read side includes references as an identifying and logo), provide user with said media and request said user to insert said media in a compact disc (CD) and digital versatile disc (DVD) drive (col. 2, lines 1-9).

Burnett does not explicitly disclose request said multiple signatures from said CA via said on line process.

As admitted in the prior art (Fig. 7), signature is requested and received from CA. It is inherently understood that multiple signatures can be provided by the CA for the security reason in the case if one is compromised, also by the prior art, a document is prepared for signing, wrap said prepared document with said received signature and send said prepared document to said processor (Fig. 7).

Burnett discloses encrypting the information stored on the optical disk (col. 6, lines 12), however he does not explicitly disclose encrypting the information with pass phrase as a key and he does not disclose verifying identity of a processor.

Yarsa et al. is relied on for the teaching of encrypting data (i.e. photograph, thumbprint, cursive signature, signatures from CA) with pass phrase as a key (col. 2, lines 35-38), request the pass phrase from the user, use said pass phrase to decrypt the recorded data, if decryption is valid, access the recorded data for signature (col. 13, lines 27-32).

It would be obvious to one of ordinary skill in the art at the time of the invention to employ the use of encrypting data with user's pass phrase as a key in the system of Burnett and the admitted prior art as Yarsa teaches so as to securely protect the key as well as the data since only the user knows his pass phrase. It is also commonly known in the data communications art that before sending information over the communication channels, the receiver needs to be verified to make sure the receiver is who the receiver claims to be to ensure the information get transmitted to the right entity.

Yarsa discloses using pass phrase as a key to encrypt data, however he does not explicitly disclose a rollover date is combined with pass phrase as a key to encrypt data.

Davies discloses a rollover date is combined with pass phrase as a key to encrypt data (Fig. 2, col. 6, line 45 – col. 7, line 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of integrating a rollover date with user's pass phrase as a

key to encrypt data in the system of Burnett, the admitted prior art and Yarsa, as Davies teaches so as to securely protect data.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

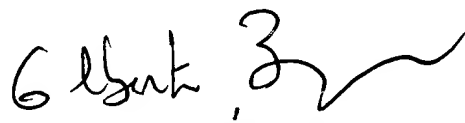
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mdn
7/16/06


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